

**Notice of Allowability**

Application No.

09/658,370

Examiner

Rachel L. Porter

Applicant(s)

MCMULLEN ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

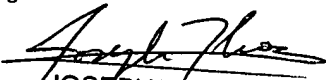
1. ☒ This communication is responsive to 1/18/06.
2. ☒ The allowed claim(s) is/are 1-9, 11-18 and 20-30.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

  
JOSEPH THOMAS  
SUPERVISORY PATENT EXAMINER

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with William J. Zychlewicz, Reg. No. 51,366 on May 1, 2006.

The application has been amended (relative to the supplemental response filed 1/18/06) as follows:

Claim 18. **(currently amended)** A computer-implemented system comprising a plurality of railroad transportation system and business entity asset sub-systems and a transportation business entity central data center, said computer configured to:

- collect at least one set of transportation data from a plurality of subsystems associated with said plurality of railroad transportation system and business entity assets;
- automatically modify a performance of controlled assets such that total transportation system delays are minimized;
- compare said collected transportation data set to at least one standard transportation data;
- generate at least one problem area data set based upon the comparison of the collected and standard data;

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- prioritize top transportation system problem areas wherein said priority is based upon a total transportation business entity delay time ~~facilitated~~ being minimized;
- recommend business activities relating to managing the transportation business entity based on the prioritized transportation system problem areas wherein recommending business activities relating to managing the transportation business entity includes at least one of altering an asset allocation priority, generating a maintenance action, altering a state of a transportation system environmental system, and based on a component failure analysis, the business activities relating to managing the business entity also includes determining at least one location to place emergency equipment, recommending at least one repair facility location, determining an emergency equipment component inventory, and determining a repair facility component inventory; and
- ~~facilitate transmitting~~ outputting the recommendations to the plurality of railroad transportation system assets from a central data center to facilitate implementing the recommendations.

***Allowable Subject Matter***

2. The following is an examiner's statement of reasons for allowance:

(A) As per claim 1, the closest prior art of record, Nickles, Gibbs, and Pierro discloses a method for a managing transportation system, but does not teach or fairly suggest:

- collecting a first set of data from at least one subsystem associated with a railroad transportation system and a second of a set transportation data from a subsystem associated with a business entity;
- generating one or more problem area sets based upon a comparison of the collected data to standardized data, wherein the problem area data sets include at transportation business schedule impact, and a business entity asset requirement; and
- recommending business activities relating to managing the railroad/ business assets based on the prioritized transportation system problem area data sets such that total transportation delay time is minimized wherein the recommending business activities relating to managing the transportation business entity includes
  - 1) at least one of altering an asset allocation priority, generating a maintenance action, altering a state of a transportation system environmental system to protect a cargo, AND
  - 2) based on a component failure analysis, the business activities relating to managing the business entity also includes determining at least one location to place emergency equipment, recommending at least one repair facility location, determining an emergency equipment component inventory, and determining a repair facility component inventory

Claims 2-9 and 21-27 are dependent from claim 1. Therefore, these claims include the allowable features of claim 1 are allowable for the same reasons.

(B) As per claim 11, the closest prior art of record, Nickles, Gibbs, and Pierro discloses a system for a managing transportation system, but does not teach or fairly suggest:

- a sub-system for generating one or more problem area sets based upon a comparison of the collected (transportation) data to standardized data, wherein the problem area data sets include at transportation business schedule impact, and a business entity asset requirement; and
- a management and decision making sub-system that is configured to:
  - recommend business activities relating to managing the transportation business entity based on the priority of problem area data sets such that total transportation business entity delay time is minimized, and wherein the recommending business activities relating to managing the transportation business entity includes
    - 1) at least one of altering an asset allocation priority, generating a maintenance action, altering a state of a transportation system environmental system protect a cargo, and
    - 2) based on a component failure analysis, the business activities relating to managing the business entity also includes determining at least one location to place emergency equipment, recommending at least one repair facility location, determining an emergency equipment component inventory, and determining a repair facility component inventory;

Claims 12-17,28, and 30 are dependent from claim 11. Therefore, these claims include the allowable features of claim 1 are allowable for the same reasons.

(C) As per claim 18, the closest prior art of record, Nickles, Gibbs, and Pierro discloses a system for a managing transportation system, but does not teach or fairly suggest a system computer configured to:

- automatically modify a performance of controlled assets such that total transportation system delays are minimized;
- generate at least one problem area data set based upon the comparison of the collected (transportation data from a plurality of subsystems associated with said plurality of railroad transportation system and business entity assets) and standard data;
- recommending business activities relating to managing the transportation business entity based on the prioritized transportation system problem area data sets such that total transportation delay time is minimized wherein the recommending business activities relating to managing the transportation business entity includes
  - 1) at least one of altering an asset allocation priority, generating a maintenance action, altering a state of a transportation system environmental system, AND

2) based on a component failure analysis, the business activities relating to managing the business entity also includes determining at least one location to place emergency equipment, recommending at least one repair facility location, determining an emergency equipment component inventory, and determining a repair facility component inventory

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

- Eura (JP 06183348A) discloses a system for transmitting information locomotive parts failure to a central station.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rachel L. Porter whose telephone number is (571) 272-6775. The examiner can normally be reached on M-F, 9:30-6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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JOSEPH THOMAS  
SUPERVISORY PATENT EXAMINER